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International Politics

1. What are the best means, of a political and economic nature, to bring about relations of friendship among the American states?
2. The basis on which diplomatic and scientific Pan-American congresses should be organized.
3. Means which would be put in practice by the American states for assimilating the foreign immigrants to the national element?

V. CONSTITUTIONAL AND ADMINISTRATIVE LAW.

1. Influence of foreign constitutions on those of Latin-American states.
 2. Development of the political institutions in these states.
 3. *Id.* in the United States.
 4. The organization and functioning of the parliamentary system in American states which have adopted this form of government.
 5. Considering the habits, traditions and education of American peoples, is it desirable to introduce the referendum, and if so, in what form should it be adopted?
 6. Results which have been obtained in American countries through reforms designed to give the people direct participation in public affairs.
 7. Suffrage in the different American countries. Comparison of results obtained through the different systems of voting.
 8. The municipal régime in American states. Participation of foreigners in local administration.
 9. The self-governing commune and its workings on the new continent.
 10. The liberty of teaching.
 11. Influence of associations and the development of public opinion on the political and administrative system of American states.
 12. Legal and political situation of the indigenous tribes in these states.
- Comparative study of American and European constitutions on the following points:
1. Conception of sovereignty.
 2. Representative system.
 3. Parliamentary system.
 4. Unitarism and federalism.
 5. Centralization and decentralization.
- There are similar series of themes for political and social economics, criminology and police administration.

THE MICHIGAN CONSTITUTIONAL CONVENTION OF 1907-1908

JOHN A. FAIRLIE

This convention was called by vote of the people of Michigan in April, 1906. At its session last year, the legislature provided for the election of delegates, which took place in September. The convention met on October 22, and completed its work on February 21; and the revised

constitution will be submitted to the electors at the general election in November of the present year.

Several previous efforts had been made to secure a general revision of the present constitution, which dates from 1850; but proposed revisions submitted to the electors in 1867 and 1873 were both defeated, and until the present time further attempts to call a convention have failed of success. It can be said, however, that the present prospects are strongly in favor of the adoption of the revision now submitted. It is certainly in its favor that in the convention itself not a single negative vote was recorded at the final vote in the complete revision.

The convention was a notable body of men, far above the ordinary Michigan legislature in character and ability. It consisted of ninety-six members, three from each of the senatorial districts in the State. Sixty were lawyers. Forty-four had been students at the University of Michigan, and others had received a college education at other institutions. A good proportion had held public positions before, but many, including some of the ablest and strongest members, had no previous active political experience. There were only eight democrats in the convention; but party lines were not drawn, and the main divisions were between the more radical and the more conservative groups.

A good deal might be said about the procedure and methods of the convention. But mention can only be made of the full publicity and careful discussion given to all matters. Much of the detailed work was done in committees; but every section was considered in committee of the whole before passing *second* reading, and the complete revision was again considered in committee of the whole before third reading. The committee on arrangement and phraseology also exercised a larger influence than is usual in revising the language and arrangement of the various sections and articles.

A number of important subjects were debated at length. Most time was given to the proposed provision for initiating constitutional amendments by popular petition; and the complete record of the four days debate is doubtless the most complete discussion of that subject yet in existence. Other questions which received a good deal of attention were the home rule provisions for cities and villages, prohibition, woman suffrage, and the fellow servant rule. While many other subjects were considered and decided after briefer and less formal speeches.

The new constitution does not accomplish any radical revolution, but it does include many important changes. The foundation and the main framework of government remain as before. The revision is about

the same length as the old constitution, and contains no such detailed legislative provisions as in the constitution of Oklahoma. At the same time, the revision does include many significant features—notably in the article on local government (especially the sections on cities and villages), the regulation of legislative procedure, the increased authority of the governor, and the compromise adopted on the question of the initiative. Some of the provisions may seem radical to the more conservative east; but as a whole it occupies a middle position between the constitutions of the older eastern States, and those of the newer States with their experiments in novel ideas. It may be called conservatively progressive; and constitutionally as geographically Michigan belongs to what has been called the middle-west, but what may now be more properly called the middle-east.

Taking up the more important changes, we may begin with the new sections in regard to cities and villages, granting a wide measure of "home rule." Hitherto Michigan has retained the old system of special legislation, which has given rise to the usual abuses of hasty and sometimes partisan measures, while in some matters provisions of the old constitution have prevented the legislature from granting powers to cities it has been willing to confer. It is now provided that State laws on city government must be general laws applying to all cities and all villages; and under such general laws—as well as the constitution and general laws of the State—each city and village shall have power to frame, adopt and amend its charter, and to pass all laws and ordinances for its municipal concerns. Specific power is granted to control the grant of privileges in the public streets (franchises being limited to thirty years), to acquire and maintain works involving the public health and safety, and also by a three-fifths vote of the electors to acquire and maintain public utilities for supplying water, light, heat, power, and transportation. For such public utilities provision is made for borrowing money, beyond the general debt limit, by mortgaging the plant and franchise of a particular utility. The legislature will limit the rate of taxation and restrict the power to borrow money and contract debts.

These provisions give the cities and villages a large, but not an unlimited, freedom in dealing with their own affairs; and it is hoped that the elimination of special legislation will give the legislature a better opportunity to consider the broader problems of State legislation.

More extended powers are also given to counties; but by specific rather than such a general grant as has been conferred on cities and villages. And the main tendency in this direction is indicated by the new

title of local government, given to the article containing the various provisions on this subject.

The long discussion on the popular initiative resulted in a fairly conservative compromise. Amendments to the constitution may be formally proposed by petition of the electors, signed and verified before the regular registration or election officials, and when an amendment is so proposed by 20 per cent of the vote cast for secretary of state at the preceding election, it must be submitted to the voters, unless disapproved by a majority vote of the legislature in joint session. The legislative veto was strongly opposed by the advocates of direct legislation. It seems probable that it will not be used against any reasonable proposal; but it affords a possible check in case of an unjust proposal in times of special excitement. Special provision is also made for voting on alternative proposals on the same subject.

The former method of proposing amendments by a two-thirds vote in each house of the legislature is also retained. Incidentally it is provided that all proposed amendments must be published, and must also be printed in full on the ballot, so that the voters may know on what they are asked to vote.

Some conditions laid down in the legislative act organizing this convention led to the insertion in the new constitution of provisions, similar to those in the New York constitution of 1894, definitely providing for the election of the next convention, when called by the people, and indicating its authority, without further action by the legislature.

In a sense the home rule provisions will limit the freedom of the legislature, but only to leave it more free for other work. Various other provisions are aimed at securing fuller publicity and consideration for the measures before that body. All bills in each house must be printed for five days before passage. No special acts may be passed where a general law is applicable; and all special acts must be subject to a local referendum. General laws may also be submitted by the legislature to a vote of the electors.

The powers of the governor have been somewhat increased. His veto power is extended over the items of appropriation bills, and his authority to investigate the work of any State executive or administrative office is made more definite. These additions should increase his influence and responsibility for the State government.

Salaries of State officers in Michigan have until now been retained at the absurdly low figures named in the constitution of 1850; and these are now increased to moderate amounts. The governor and attorney-

general will each receive \$5000 a year, and the other elective officers \$2500 each.

A few minor changes are made in the judicial system; but the most important modifications are those permitting further changes by the legislature—notably that which will permit the establishment of a circulating system of circuit judges.

Other changes are of less importance, and deal mainly with matters of local interest. Express and telephone companies will be taxed on the ad valorem basis. The power of taxation may not be surrendered or suspended by any grant or contract. A uniform system of accounting and audit for similar State officials and boards and county officials is required. The salaries of public officials may not be increased during the term for which they are elected. The State superintendent of public instruction will be elected at the biennial spring elections with the judges and regents of the university. Women taxpayers are given the right to vote on all questions involving the direct expenditure of money or the issue of bonds. The power to regulate freight and express rates may be delegated to a commission.

These and other provisions mark the new constitution as a decided advance on the existing instrument; and its adoption, as now seems probable, will open the way to more efficient public administration and to a distinct improvement in the management of the public business.

An interesting question was raised as to the date for submitting the revised constitution to the electors. The legislative act organizing the convention had provided that it should be submitted in April of the present year. The convention did not adjourn until within a few weeks of that time, and deciding that a longer time for consideration was advisable, and holding that the legislature could not bind the convention, it provided that the revision should be submitted in November.

In mandamus proceedings the supreme court of the State decided in favor of the November vote, three of the eight judges dissenting. But four of the five judges in the majority did not accept the view that the convention had plenary power. They held that the provision in the existing constitution requiring "amendments" to be submitted at a regular State election applied also by implication to a complete revision, and that on this account the legislative provision for submission in April of this year was not valid.